THE HONOURABLE SRI JUSTICE R. SUBHASH REDDY

WRIT PETITION No. 2404 OF 2001

-

ORDER:

This Writ Petition is filed, to declare the action of the respondents in not providing alternative employment to the petitioner as illegal and arbitrary.

In the affidavit filed in support of the Writ Petition, it is stated, that the petitioner was appointed as Conductor in the respondent-Corporation. During the course of employment, he suffered grievous injury, which resulted in disability. The competent Medical Board certified the disability suffered by the petitioner at 35%. It is submitted by the learned Counsel that pursuant to the interim order passed by this Court, the petitioner is already provided with alternative employment.

Though counter affidavit is filed opposing the claim of the petitioner, but, in view of the provision under Section 47 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act 1995, there is clear embargo to dispense with, or reduce in rank, of an employee, who suffered disability during the course of employment. Inasmuch as the petitioner has suffered disability during the course of employment, and, further, he has already provided with alternative employment pursuant to the interim order of this Court, I dispose of the Writ Petition directing the respondents to continue the petitioner in the alternative employment provided to him.

Subject to the above direction, the Writ Petition is disposed of. No order as to costs.

JUSTICE R. SUBHASH REDDY

DATED: 23---09--2005.

Msnr